

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

AMANDA MORALES,

Plaintiff,

v.

Case No. 1:21-cv-01044-KWR-JHR

SMI FACILITY SERVICES,

Defendant.

ORDER DIRECTING ISSUANCE OF NOTICE
AND WAIVER OF SERVICE FORMS

Before the Court is Plaintiff Amanda Morales' civil rights complaint (**Doc. 1**). Plaintiff alleges that she was discriminated against on the basis of her sex and paid less than her male colleagues, was exposed to harmful chemicals and unsafe working conditions, and was retaliated against and terminated after reporting allegations of sexual harassment to her supervisors. Defendant Supreme Maintenance Incorporated,¹ Plaintiff's employer, timely removed this case to this Court.

Earlier, the Court partially granted Supreme Maintenance Inc.'s Motion to Quash Plaintiff's Service (**Doc. 16**). Plaintiff served "SMI Facility Services Owner Val Garcia at 5015 Prospect Ave NE, Albuquerque, NM 87110." This Court found that Plaintiff served the summons and complaint to a non-existent entity and to an individual not authorized to accept service on Defendant's behalf. Thus, the Court quashed service without dismissing the suit and allowed Plaintiff an opportunity to serve Defendant.

¹ This Court acknowledged that the summons and complaint named the wrong entity, "SMI Facility Services" instead of "Supreme Maintenance Incorporated." See **Doc. 16, at 7**.


This Court also granted Plaintiff's Application to Proceed in District Court Without Prepaying Fees or Costs (**Doc. 21**). Pursuant to that Order, the Court must direct that service be made on Defendant.² Plaintiff has filed motions for default and summary judgment against "SMI Facility Services" (**Docs. 14, 18**) and a motion to amend the complaint (**Doc. 25**). Although Supreme Maintenance has actual notice of this suit, it is clear from the record that service was not proper.

In accordance with local custom in *pro se* cases, the Clerk's Office will give Defendant an opportunity to appear and waive service. *See, e.g.*, Fed. R. Civ. P. 4(d)(1) ("An individual, corporation, or association that is subject to service under Rule 4(e), (f), or (h) has a duty to avoid unnecessary expenses of serving the summons.").

IT IS THEREFORE ORDERED that the Clerk is directed to issue notice and waiver of service forms, with copies of the Complaint (**Doc. 1**) and Motions (**Doc. 14, 18, 25**), and this Order, to Supreme Maintenance Inc.:

VALENTIN GARCIA
9705 CONEFLOWER NW,
ALBUQUERQUE, NM 87114

IT IS SO ORDERED.


KEA W. RIGGS
UNITED STATES DISTRICT JUDGE

² Despite Plaintiff's insistence that Supreme Maintenance Inc. was properly served, **Doc. 24**, Plaintiff's arguments are not supported by the law or facts. *See Doc. 16*. Given that the Court has already decided this issue and Supreme Maintenance Inc. has provided the proper location and parties authorized to accept service of process, the Court shall utilize the information provided.